

<b>Application No:</b> 2008/046	<b>Application Type:</b> Full Application
<b>Proposal:</b> Change of use of restaurant to takeaway and restaurant	<b>Location:</b> 617 Burnley Road, Rawtenstall
<b>Report of:</b>	<b>Status:</b> For publication -
<b>Report to:</b> Development Control Committee	<b>Date:</b> 11 March 2008
<b>Applicant:</b> Mr Arif Hussain	<b>Determination Expiry Date:</b> 19 <sup>th</sup> March 2008
<b>Agent:</b> Mrs Nusrat Karim	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
More than 3 objections received	<input checked="" type="checkbox"/>
Other (please state) .....	

**1 APPLICATION DETAILS**

- 1.1. The application site is occupied by a two-storey stone and slate property, currently vacant, with its previous use a restaurant (Use Class A3) situated on Burnley Road, in the Centre of Crawshawbooth. The area is a local service centre, characterised by a mix of residential/shopping, business and restaurant/café uses. There is a yard to the side of the property fronting Burnley Road. Burnley Road is characterised by a steady flow of traffic. The land slopes upwards to the north.
- 1.2. The site is located within the Urban Boundary as designated in the Rossendale District Local Plan – Saved Policies.

**2. Relevant Planning History**

2.1	2006/630	Change of use from shop to living area.	Withdrawn
	2007/568	Change of use of restaurant to restaurant	Refused

and takeaway

The reason for refusal was as follows:

“The application and supporting information provides inadequate, and insufficient information in relation to bin storage facilities, flue extraction details, sound insulation, opening hours, and the effects of odours to enable the scheme to be properly assessed in terms of visual amenity, and residential amenity”

### **3. The Current Proposal**

- 3.1 The applicant seeks consent for a change of use from Use Class A3 to part A3 restaurant use and part A5 hot food takeaway use. A flu is proposed to the rear elevation of the roof and a air ventilation grille would be attached to the rear elevation. The flue would be run internally so that no ducting is visible other than to the rear elevation of the roof. Details of the flu and ventilation grille have been submitted. Opening hours proposed are not stated. No car parking spaces are included as part of the application, although a public car park is highlighted on the forms and plans to enable off street parking; this is located approximately 30 metres to the north of the site. Bin storage is proposed within the yard to the side of the property. It is proposed to provide fencing on top of the wall to decrease the visual impact that the bins would have on the area.

### **4. Policy Context**

#### **4.1 National Planning Guidance**

PPS1 - Sustainable Development  
PPS6 – Planning for Town Centres

#### **4.2 Development Plan Policies**

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy  
Policy 7 - Parking

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary  
DC1 - Development Control  
DC4 – Materials

#### **4.3 Other Material Planning Considerations**

Lancashire CC - Parking Standards

## **5. CONSULTATIONS**

### **5.1 INTERNAL CONSULTATIONS**

Environmental Health –After consideration of the application recommend the following conditions are attached:

Opening Hours – The restaurant shall not open outside 0800 hrs to 2300 hrs daily. To safeguard the amenities of the occupiers of nearby residential accommodation.

### **5.2 EXTERNAL CONSULTATIONS**

Lancashire County Council

Highways –.No comments received. Any adverse comments will be reported via the Late Items Report.

## **6. REPRESENTATIONS**

6.1 2 site notices were posted on 07/02/2008 and 15 neighbours were notified by way of letter on 25/01/2008. 9 letters have been received objecting to the proposal on the following grounds:

- Too many takeaways in Crawshawbooth.
- The proposal would cause noise and disturbance to adjoining properties in a residential area.
- Inadequate parking
- Out of character with the recent development of the area.
- Opening hours are unknown
- Affect on the clients of the neighbouring Residential Care Home.

## **7. REPORT**

7.1 The main considerations of the application are the impact of the proposal within the centre of Crawshawbooth, visual and residential amenity, as well as highway safety.

### Impact on the Centre of Crawshawbooth

7.2 This proposal would be located within the Urban Boundary. Currently there are several hot food takeaways within the area. The previous use of the property was solely as a restaurant. It is considered that the restaurant use (already permitted) would not be detrimental to the retail function of the area, as the use is already authorised.

7.3 PPS6 states that Town Centres should enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow

genuine choice to meet the needs of the entire community. Crawshawbooth is not defined as a Town Centre, however, it is considered to be a local service centre, and thus, to be sustainable would be required to enhance consumer choice to meet the needs of the entire community. The proposed A3 use would seat up to 12 people, however, the additional use as a hot food takeaway establishment would generate further customers for the premises. All objections relating to the application state that a further hot food takeaway is not required in the area, however, it is considered that as no Class A1 units are being lost, and only a part of the existing A3 use is being converted into a Class A5 use, the scheme would, not have a material impact on the vitality and viability of the local service centre. The application is, therefore, not contrary to the criteria of PPS6 listed above.

- 7.4 The applicant has provided additional information to tackle the issues raised in the reasons for refusal of application 2007/568 for a similar scheme. These details relate to flu extraction, noise, vapour, odour control, the storage of bins and opening hours. This information is important to assess the impact of the proposal on the local environment. The previously refused scheme could not be adequately assessed due to the lack of such information. It is considered that the additional information provided is sufficient to establish that the scheme would not have a detrimental impact on the centre of Crawshawbooth. The Case Officer will go in to further detail in the following subsections of this report.

#### Visual Amenity

- 7.5 It is considered that for restaurant/takeaway use it is important to gain information about the placement of the waste facilities. The agent has stated within the Design and Access Statement that the bins would be stored within the yard to the side of the property. The yard is bounded by a stone wall to a height of approximately 0.9 metres. To reduce the impact of the bins when travelling past the site a fence to a height of 0.45 metres would be placed on top of the wall. No drawings have been submitted to demonstrate the design, materials, or method of fixings for the additional boundary treatment. It is considered, however, that this could be controlled adequately via condition. Details have been provided as to the flu. As such the ducting would be run internally so that the only visible element would protrude from the roof slope. It is considered that the flu is a height, position and design that would not incur a loss to the street scene or character of the area. No external alterations are proposed to the front of the property. The scheme is considered acceptable in terms of visual amenity.

#### Residential Amenity

- 7.6 The Case officer has received a response from Environmental Health requesting that the opening hours be restricted to between 08.00am and 23.00 pm. This information has been passed on to the agent, who verbally gave acceptance to the condition. This is considered appropriate.
- 7.7 The proposed flu is considered to be in an appropriate position that would not incur a significant increase in noise, or odour to neighbouring properties.

Details of the ventilation extraction system have been provided and have elicited no comments from the Environmental Health Department.

- 7.8 In terms of noise caused by customers to the store it is considered that a condition restricting opening hours would lessen the impact to a significant extent. The property has an existing use as a restaurant, and this use would continue. It is considered therefore that the proposed scheme would not incur a significant impact over and above the existing use. The scheme is considered acceptable in terms of residential amenity.

#### Highway Safety

- 7.9 The location of the takeaway approximately 30 metres away from an off street car parking facility would be available for use by the customers of the premises. In addition there is also restricted hours parking facilities on street, opposite the premises that customers of the premises could use. There have been many objections to the proposal on highway safety terms, however, it is considered that there is sufficient parking in the area to accommodate customers. The scheme is considered acceptable in terms of highway safety.

### **8. HUMAN RIGHTS**

- 8.1 The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

### **9. RECOMMENDATION(S)**

That the Committee be minded to recommend approval with conditions

### **11. REASONS FOR APPROVAL**

The proposal would not harm the visual amenity of the surrounding area, nor would it harm the residential amenity of the occupiers of adjoining properties and would not be detrimental to highway safety. The proposed development has been considered against PPS1, PPS6, Joint Lancashire Structure Plan Policies 1 and 7, and Saved Policies DS1 – The Urban Boundary, DC1 – Development Criteria and DC4 – Materials of the former Rossendale Local District Plan

### **12. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act
2. All materials to be used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority. Reason: To ensure that the development will be of satisfactory appearance and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.
3. The development shall be carried out in accordance with plans dated 23/01/2008 and additional information received 15/02/2008.
4. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing the proposed boundary treatment to the curtilage of the property fronting Burnley Road. The approved scheme shall be implemented prior to the first occupation of the development hereby approved.
5. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Saved Policy DC.1 of the Rossendale District Local Plan.

6. The development hereby approved shall not operate outside the hours of 0800 hours to 2300 Sunday to Saturday and at no other time.

Reason: To safeguard the amenities of nearby residential properties in accordance with Saved Policy DC.1 of the Rossendale District Local Plan.

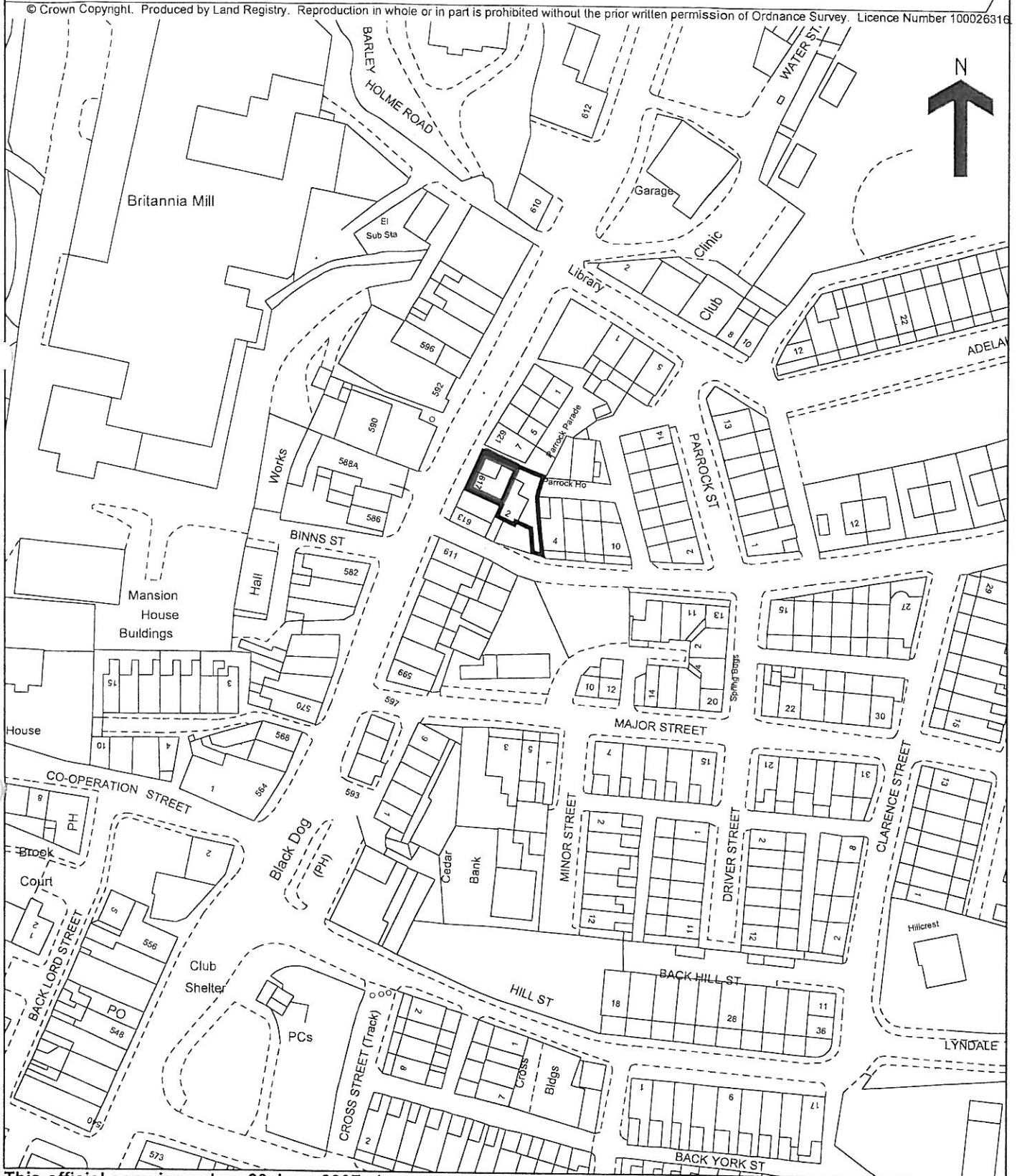
<b>Contact Officer</b>	
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# Land Registry Official copy of title plan

Title number **LA436775**  
Ordnance Survey map reference **SD8125SW**  
Scale **1:1250** enlarged from 1:2500  
Administrative area **Lancashire: Rossendale**



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**This official copy issued on 20 June 2007 shows the state of this title plan on 20 June 2007 at 15:29. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).**

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans.

**This title is dealt with by Land Registry, Lancashire Office.**

23 JAN 2008

NOTE  
ONE SYSTEM OF REMOVABLE  
400 X 400 GREASE FILTER CELLS

NOTE  
AIR INPUT FAN COMPLETE WITH  
BOX AND LUVRE

NO  
REI  
COI

DOUBLE PROTECTION  
BOX AND LUVRE

CANOPY LINE

KITCHEN

GAS INTERLOCK PANEL

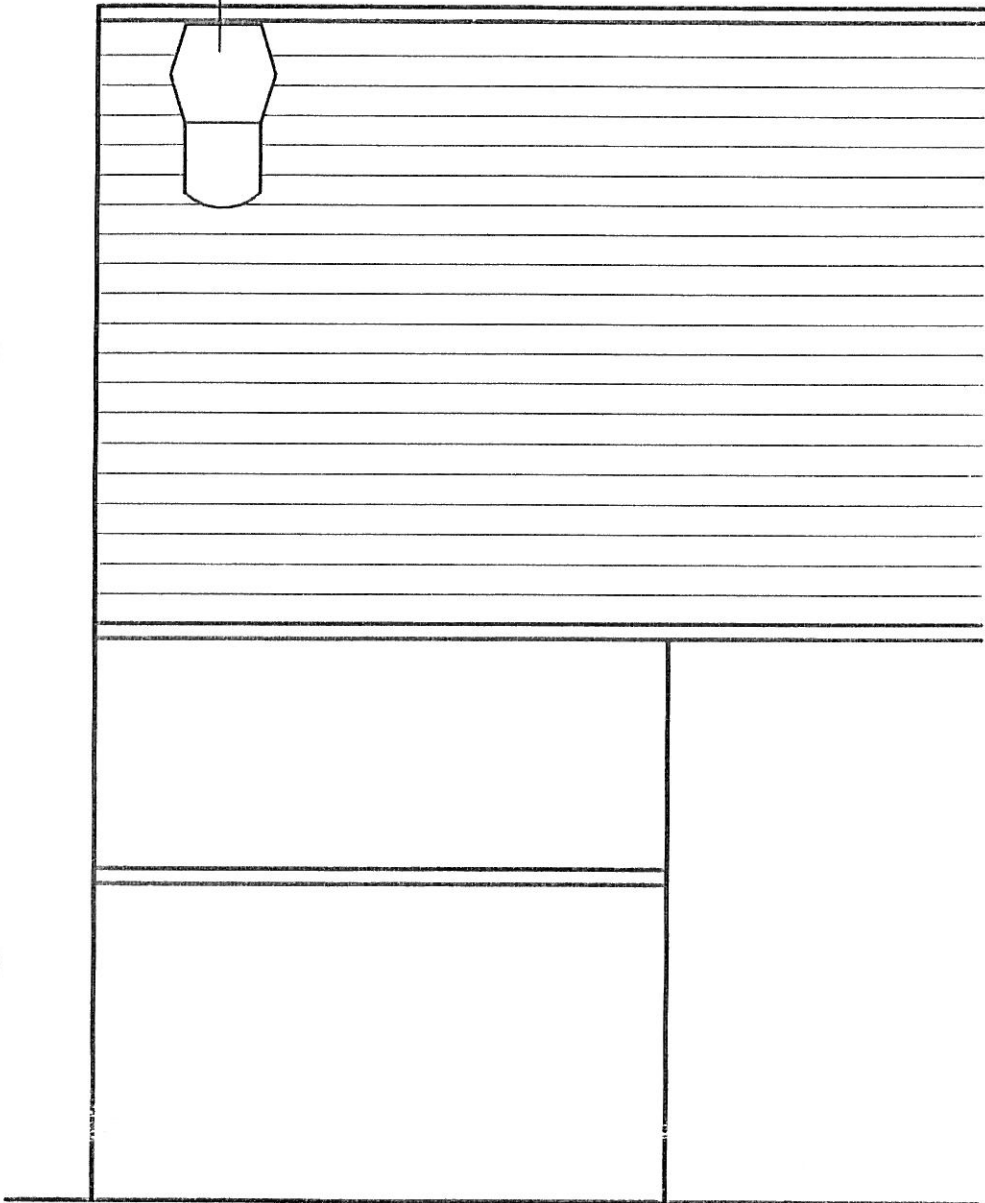
PROPOSED GROUND FLOOR PLAN

Rev.





EXTRACT DUCT TO EXIT PITCHED  
ROOF WITH JET COWL.



VIEW ON A-A

'A'

'A'